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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 APPROXIMATELY \$98,037.00 IN U.S.
15 CURRENCY,

16 Defendant.

2:23-MC-00073-WBS-DB

CONSENT JUDGMENT OF FORFEITURE

17 Pursuant to the Stipulation for Consent Judgment of Forfeiture, the Court finds:

18 1. On or about January 18, 2019, agents with the Drug Enforcement Administration
19 ("DEA") executed a federal search warrant at Rick Glenn Vardell's ("Vardell" or "claimant") residence
20 located at 1305 Country Club Road, Olivehurst, CA and seized Approximately \$98,037.00 in U.S.
21 Currency (hereafter the "defendant currency"). Agents also arrested Vardell that day at Vardell's AC &
22 Heating business located at 241 Garden Highway, Yuba City, CA pursuant to a federal arrest warrant
23 for charges related to the distribution of a controlled substance. During his arrest, agents searched
24 Vardell and found \$3,903.00 in cash in his pants pocket. Vardell was then transported to his residence
25 in Olivehurst, CA.

26 2. The DEA commenced administrative forfeiture proceedings, sending direct written notice
27 to all known potential claimants and publishing notice to all others. On or about April 4, 2019, the DEA
28

1 received a claim from Vardell asserting an ownership interest in the defendant currency.

2 3. The United States represents that it could show at a forfeiture trial that on August 26,
3 2018, Vardell sold 399 hydrocodone pills for \$3,000 to a DEA Confidential Source (“CS”) outfitted
4 with an audio recorder and transmitter. The white, capsule-shaped pills with the imprint A/40
5 contained hydrocodone and acetaminophen.

6 4. The United States represents that it could further show at a forfeiture trial that on
7 September 10, 2018, Vardell sold the same CS 590 hydrocodone pills for \$2,950. The CS was outfitted
8 with an audio recorder and transmitter during the transaction. The transaction occurred inside Vardell’s
9 residence at 1305 Country Club Drive, Olivehurst, CA. During the transaction, Vardell said that he
10 received the pills as rent payment for the properties he rents out. Vardell instructed the CS how to
11 make the most money from reselling the pills. He counseled the CS not to sell them in bulk, because
12 doing so drives down the price. Vardell said that he would be getting more pills in the future, but that
13 the pills would be yellow in color. The white, capsule-shaped pills, with imprints A/40 and G037
14 contained hydrocodone and acetaminophen.

15 5. The United States represents that it could further show at a forfeiture trial that on
16 December 20, 2018, Vardell sold the same CS 1,000 hydrocodone pills for \$6,000. The CS was
17 outfitted with an audio recorder and transmitter during the transaction. The transaction occurred inside
18 Vardell’s residence at 1305 Country Club Drive, Olivehurst, CA. The pills were divided into ten clear
19 plastic bags, each containing 100 pills. Vardell told the CS during the transaction that he would be
20 getting more pills the following week that would be yellow in color. The white, capsule-shaped pills,
21 with imprints H10/325 and G037 contained hydrocodone and acetaminophen.

22 6. The United States represents that it could further show at a forfeiture trial that on January
23 18, 2019, law enforcement executed a search warrant at Vardell’s residence at 1305 Country Club Drive,
24 Olivehurst, CA. During the search, agents found a safe or safety deposit box hidden behind a fake brick
25 wall in a fireplace in the master bedroom. The safe was unlocked with a key that was on the key ring in
26 the possession of Vardell at his time of arrest. Inside the safe were several clear plastic bags containing
27 over 1,000 yellow pills with the imprint of V on one side and 36/01 on the other, \$98,037.00 in cash (the
28 defendant currency), and approximately 200 dosages of anabolic steroids. The defendant currency was

1 separated into rubber banded stacks. The yellow, capsule-shaped pills with imprints V 36/01 were found
2 to contain hydrocodone and acetaminophen. In the same room, agents found a Smith and Wesson
3 revolver under the pillow on the bed. The revolver was loaded with seven rounds. In the closet was
4 another firearm and more steroids. Agents also located 170 pounds of processed marijuana, marijuana
5 processing and packaging materials, and 70 marijuana plants inside the property. Agents found a total of
6 27 firearms at the residence.

7 7. On January 24, 2019, an Indictment was filed in the Eastern District of California
8 charging Rick Glenn Vardell with Distribution of Hydrocodone in violation of 21 U.S.C. § 841(a)(1),
9 Possession with Intent to Distribute Hydrocodone in violation of 21 U.S.C. § 841(a)(1), and Possession
10 of a Firearm in Furtherance of a Drug Trafficking Crime in violation of 18 U.S.C. § 924(c)(1). The
11 Indictment contained a general Forfeiture Allegation, and an *Amended* Bill of Particulars was filed on
12 June 27, 2019, that included the defendant currency, among other assets. The United States and Vardell
13 entered into a plea agreement wherein he agreed to sign a Stipulation for Consent Judgment of Forfeiture
14 forfeiting his right, title, and interest in the defendant currency.

15 8. The United States could further show at a forfeiture trial that the defendant currency is
16 forfeitable to the United States pursuant to 21 U.S.C. § 881(a)(6).

17 9. Without admitting the truth of the factual assertions contained above, claimant
18 specifically denying the same, and for the purpose of reaching an amicable resolution and compromise
19 of this matter, claimant agrees that an adequate factual basis exists to support forfeiture of the defendant
20 currency. Vardell acknowledged that he is the sole owner of the defendant currency, and that no other
21 person or entity has any legitimate claim of interest therein. Should any person or entity institute any
22 kind of claim or action against the government with regard to its forfeiture of the defendant currency,
23 claimant shall hold harmless and indemnify the United States, as set forth below.

24 10. This Court has jurisdiction in this matter pursuant to 28 U.S.C. §§ 1345 and 1355, as this
25 is the judicial district in which acts or omissions giving rise to the forfeiture occurred.

26 11. This Court has venue pursuant to 28 U.S.C. § 1395, as this is the judicial district in
27 which the defendant currency was seized.

28 12. The parties herein desire to settle this matter pursuant to the terms of a duly executed

1 Stipulation for Consent Judgment of Forfeiture.

2 Based upon the above findings, and the files and records of the Court, it is hereby ORDERED
3 AND ADJUDGED:

4 1. The Court adopts the Stipulation for Consent Judgment of Forfeiture entered into by and
5 between the parties.

6 2. Upon entry of this Consent Judgment of Forfeiture, all right, title, and interest of Rick
7 Glenn Vardell in the Approximately \$98,037.00 in U.S. Currency, plus all accrued interest, shall be
8 forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of according to law.

9 3. The United States of America and its servants, agents, and employees and all other public
10 entities, their servants, agents, and employees, are released from any and all liability arising out of or in
11 any way connected with the seizure or forfeiture of the defendant currency. This is a full and final
12 release applying to all unknown and unanticipated injuries, and/or damages arising out of said seizure or
13 forfeiture, as well as to those now known or disclosed. Claimant waived the provisions of California
14 Civil Code § 1542.

15 4. No portion of the stipulated settlement, including statements or admissions made
16 therein, shall be admissible in any criminal action pursuant to Rules 408 and 410(a)(4) of the Federal
17 Rules of Evidence.

18 5. All parties will bear their own costs and attorney's fees.

19 IT IS SO ORDERED

20 Dated: February 13, 2023


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE